APPENDIX.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION.

Carbo-Frost, Inc.,
Carbonic Dispensing, Inc., and
Rudd Patents Corporation, Inc.,
Plaintiffs,
vs.
Stanley Knight Corporation,
Jack E. Taylor, trading as
Taylor Engineering Co., and
Silver Cup Beverage Co.,
Defendants.

} Civil Action No. 221

FINAL JUDGMENT.

This cause coming on to be heard upon motion of the defendants, by their attorneys, Geo. H. Wallace and Charles B. Cannon, for the entry of a final judgment as to the two Rudd patents in suit, namely Nos. 1,785,326 and 1,855,313, and the Court having been advised by counsel that the judgment of this Court entered herein on or about April 20, 1940 as to the Rudd patent No. 1,785,326, in suit, has heretofore been affirmed by the United States Circuit Court of Appeals for the Seventh Circuit, on appeal, and that the mandate of that court has heretofore issued, and the Court having been further advised that no appeal was taken by the plaintiffs from the judgment of this Court entered in this action on or about April 20, 1940, as to the Rudd patent No. 1,855,313, in suit, and the Court being fully advised in and having fully considered the matter.

It is hereby ordered, adjudged and decreed as follows, that:

(1) The plaintiff, Rudd Patents Corporation, Inc., is the owner of the legal title in and to the two patents in suit, namely, Patent No. 1,785,326 issued December 16, 1930 to Harry B. Rudd on "Method of and Apparatus for Utilizing Phase-Changeable Material" and Patent No. 1,855,313 issued April 26, 1932 to Harry B. Rudd on "Method of Handling Phase-Changeable Material", and the plaintiffs Carbo-Frost, Inc., and Carbonic Dispensing Inc., are licensees under said patents;

(2) All of the claims of the Rudd Patent No. 1,785,326, in suit, and claim 2 of the Rudd Patent No. 1,855,313, in suit, if valid, are infringed by the defendants' carbon dioxide converter apparatus as exemplified by the so-called Bostelmann installation which is illustrated in Figs. 1 to 5, inclusive, of the drawings embodied in the stipulation dated January 25, 1940 (Plaintiffs' Exhibit No. 5);

(3) All of the claims of the Rudd patent No. 1,785,326 in suit are invalid since they are anticipated by or lack invention over the prior art patents and printed publications and each of them, relied upon by the defendants, namely: Huston, No. 703,268; Slate, No. 1,592,993; French Patent No. 632,993 to Aschenbach; and pages 33 and 34 of the article entitled "Steam Boilers" by Robert H. Kuss, published by the American Technical Society, Chicago, Illinois; and

(4) Claim 2 of the Rudd Patent No. 1,855,313, in suit, is invalid since it is anticipated by or lacks invention over the prior art patents and printed publications relied upon by the defendants, namely: Claude, No. 644,383; Robbin No. 827,567; Dehottay No. 1,727,865 (filed November 28, 1927) and the Bastian-Blessing Company catalogue for 1911, page 88, Item No. 129.

(5) The complaint herein should be, and is hereby, dismissed for want of equity as to each and all of the defendants;

(6) The parties hereto having settled between them the matter of costs, no costs are awarded to any of the parties;

(7) The plaintiffs' cost bond before the District Court executed on or about December 15, 1938, and heretofore filed herein, is hereby discharged and the surety thereon is hereby released; and

(8) The plaintiffs' cost bond on appeal, executed on or about July 9, 1940, by plaintiffs and by the United States Guarantee Company as surety, is hereby discharged and the aforesaid surety thereon released.

Enter:

(Sgd.) WM. J. CAMPBELL,
United States District Judge.

Dated: August 8, 1941.

Approved:

(Sgd.) GEO. H. WALLACE,
(Sgd.) CHARLES B. CANNON,
(*Attorneys for Defendants.*)

Approved as to form:

(Sgd.) GEORGE BAYARD JONES,
(*Solicitor for Plaintiffs.*)

(Sgd.) KENNETH S. NEAL,
(*Of Counsel for Plaintiffs.*)